

## Message Text

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ACTION L-02

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FM USMISSION USUN NY

TO SECSTATE WASHDC 8721

INFO AMEMBASSY TOKYO

C O N F I D E N T I A L USUN 0055

E.O. 11652: GDS

TAGS: UN TSPA JA

SUBJ: OUTER SPACE LEGAL: JAPAN

1. SUZUKO OF JAPANESE MISSION CALLED ON MISOFFS FOR USUAL  
PRE-SESSION REVIEW OF EXPECTATIONS CONCERNING OUTER SPACE  
LEGAL SUBCOMMITTEE SESSION SCHEDULED FOR 10 FEB-7 MARCH.

2. ON DIRECT BROADCAST SATELLITES, SUZUKI SAID JAPANESE  
MISSION HAS SLIGHT PREFERENCE FOR WORKING GROUP MOVING  
AHEAD TO LOOK AT TOPICS NOT COVERED IN SERIES OF  
FIVE BRACKETED PRINCIPLES DRAFTED AT 1974 SESSION. WHILE  
NEW TOPICS WOULD INCLUDE PRINCIPAL DIFFICULTIES SUCH AS  
PRIOR CONSENT, A SERIOUS DISCUSSION OF THESE NEW TOPICS  
WOULD NOT BE AMISS. TOKYO, HE SAID, WAS PARTICULARLY  
CONCERNED THAT BRACKETED PART OF PRINCIPLE ON APPLICABILITY  
OF INTERNATIONAL LAW DISCUSSED AT 1974 SESSION SHOULD BE  
INSISTED ON AT THIS STAGE; STATE RESPONSIBILITY  
SHOULD NOT BE DEALT WITH MORE BROADLY THAN  
"IN ACCORDANCE WITH THE RELEVANT ARTICLES OF THE  
OUTER SPACE TREATY." IN RESPONSE TO HIS QUESTION  
DELOFF SAID HE DID NOT BELIEVE US POSITION WAS LIKELY TO MOVE  
VERY FAR IN THIS REGARD; WE HAD CONTINUED TO VIEW ART VI  
OF THE OUTER SPACE TREATY AS DEALING ESSENTIALLY WITH  
PHYSICAL DAMAGE RESULTING FROM IMPACT AND NOT--THE  
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VIEWS OF SUCH OTHER PARTIES AS MEXICO AND BRAZIL TO

CONTRARY NOTWITHSTANDING--WITH LEGAL AND FINANCIAL RESPONSIBILITY FOR ANY AND EVERY CONCEIVABLE ADVERSE "EFFECT" OF THE USE OF OUTER SPACE FOR ORBITING VEHICLES. SUZUKI SAID JAPANESE POSITION NOT FIXED BUT TOKYO WOULD NOT WISH TO ADMIT OF A BROADER STATE RESPONSIBILITY IN DBS CONTEXT UNTIL A SET OF DBS PRINCIPLES NEARS COMPLETION.

3. DELOFFS SUGGESTED SUBCOMMITTEE MEMBERS WOULD HAVE CONSIDERABLE INTEREST IN HEARING FROM JAPAN AS TO PROGRESS OF PLANS FOR FIRST NATIONAL DBS SYSTEM AND EXPRESSED HOPE THAT JAPANESE DELEGATION MIGHT BECOME MORE ACTIVE PARTICIPANT IN SUBCOMITE EXCHANGES OF VIEWS AND DRAFTING. SUZUKI INDICATED INCREASED JAPANESE ACTIVISM UNLIKELY BECAUSE OF SPLIT WITHIN GOJ ON CONSENT QUESTION; HE REMINDED THAT WHILE FOREIGN MINISTRY STRONGLY OPPOSES PRIOR CONSENT NOTION, MINISTRY OF ELECTRONIC COMMUNICATIONS, DESIRING TO ENSURE CONTROL OVER ALL JAPANESE BROADCASTING, HOLDS OPPOSING VIEWS WITH EQUAL STRENGTH.

4. IN ANSWER TO SUZUKI'S QUESTIONS, DELOFFS NOTED, STRESSING IMPORTANCE OF CONFIDENTIALITY, THEIR UNDERSTANDING THAT WASHINGTON AGENCIES ARE CONSIDERING POSSIBILITY OF DEVELOPING A SET OF ERS PRINCIPLES THAT WOULD AUTHORITATIVELY STATE US POSITIONS, CITING JAFFE PRESENTATIONS AT ERS WORKING GROUP LAST YEAR. SUZUKI DID NOT THINK THIS WOULD CAUSE DIFFICULTIES FOR JAPANESE.

5. WE ALSO CONVEYED THRUST OF DEPARTMENT'S INSTRUCTIONS CONCERNING SOVIET PROPOSAL ON NATURAL RESOURCES ASPECTS OF THE MOON TREATY. SUZUKI SAID TOKYO HAS NO OBJECTIONS TO SOVIET PROPOSAL NOR DOES IT WISH TO ENTER THIS CONTROVERSY. GOJ WOULD NOT WISH TO TAKE POSITIONS IN OPPOSITION TO THOSE OF GROUP OF 77 ON THIS ISSUE; THEY DO NOT REGARD COMPLETION OF THE TREATY AS URGENT. DELOFFS SAID US HAD NOT REGARDED THE MATTER AS URGENT BUT HAD IN THE PAST CONSIDERED THAT IF THE TREATY COULD BE CONCLUDED ON A MUTUALLY SATISFACTORY BASIS WITH MEANINGFUL MEASURES FOR COOPERATION AND EXCHANGE OF INFORMATION, IT WOULD BE TIMELY TO DO

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SO. SUZUKI OBSERVED MUCH WOULD DEPEND ON THE ATTITUDE OF THE 77 AND REPORTED THAT THE INDIAN MISSION EXPERT, P.C. RAO, HAD SAID THE SOVIET PROPOSAL DID NOT APPEAR ACCEPTABLE BECAUSE IT POSTPONED QUESTIONS OF CONTROL AND SHARING OF BENEFITS TO AN UNCERTAIN FUTURE.

6. SUZUKI SAID HE WOULD INFORM OF ANY NEW DEVELOPMENTS IN GOJ THINKING. WHILE NOT YET DECIDED, HE THOUGHT

JAPANESE MISSION MINISTER OHTAKA MIGHT HEAD THEIR DELEGATION WHICH, IN VIEW OF VARIETY OF INTERESTS INVOLVED, WOULD BE LARGE.  
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